

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION

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**MINUTES OF PROCEEDINGS-CIVIL**

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JAMES HAYDEN,

Date: October 28, 2019

Plaintiff,

Case No: 1:17 CV 2635

v.

JUDGE CHRISTOPHER A. BOYKO

2K GAMES, *et al.*,

MAGISTRATE JUDGE JONATHAN D.  
GREENBERG

Defendants.

Court Reporter: N/A

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Attorneys for Plaintiff: Daniel McMullen,  
Andrew Alexander

Attorneys for Defendant: Dale Cendali,  
Joshua Simmons, Matthew Cavanaugh,  
Christopher Hardi

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PROCEEDINGS: A telephonic status conference was conducted with the above participants regarding the pending discovery disputes, at which the following was discussed and decided:

- (1) With respect to the Plaintiff's discovery disputes: The issue of the Defendants' alleged failure to produce metadata is MOOT.
- (2) With respect to the Defendants' discovery disputes:
  - a. **By noon on October 30, 2019**, Defendants shall amend their Request for Admission Nos. 188-99, 202-03, 209-11, 226, 231-33, and 68-71 in writing. Plaintiff shall respond within the normal time allowed under the Federal Rules of Civil Procedure. Should Defendants fail to amend these Requests for Admission, the Court finds Plaintiff sufficiently answered these Requests for Admission and Defendants may follow up on Plaintiff's answers during his deposition.
  - b. Plaintiff answered Request for Admission No. 125. Defendants may follow up on Plaintiff's answer during his deposition.

- (3) Counsel are to meet and confer on **Thursday, November 7, 2019, at 8:30 a.m. in Courtroom 10B** regarding the Defendants' response to Plaintiff's Interrogatory No. 8, Defendants' responses to two of Plaintiff's Requests for Production regarding Take-Two's third-party copyright license agreements and copyright policies related to the games at issue, and Plaintiff's response to Request for Admission No. 241. Should counsel fail to reach an agreement on these issues during their meet and confer, the Court will hear oral argument on counsel's positions.
- (4) In advance of the meet and confer set for Thursday, November 7, 2019, counsel must submit a joint letter to the Court identifying any outstanding issues to be addressed during the meet and confer and subsequent hearing by **close of business on October 31, 2019**.
- (5) The October 31, 2019 fact discovery deadline is STAYED pending further Order of the Court.

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s/ Jonathan D. Greenberg  
United States Magistrate Judge

Time: 56 min